

Dated: November 13, 2012



Travis S. Williams (020731)
WILLIAMS & CLUFF, PLC
3850 E. Baseline Road, Suite 126
Mesa, AZ 85206
(480) 325-1198
(480) 559-8622 (fax)
tsw@williamsandcluff.com
Attorney for Debtors

Sarah S. Curley

Sarah S. Curley, Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
IN AND FOR THE DISTRICT OF ARIZONA

In re:	}	Chapter 13
CHRIS LUMLEY		Case No.: 2:12-BK-09481-SSC
And		
OLIVIA LUMLEY		STIPULATED ORDER CONFIRMING CHAPTER 13 PLAN
Debtors.		

The Chapter 13 Plan having been properly noticed out to creditors and any objection to confirmation having been resolved,

IT IS ORDERED confirming the Plan of the Debtors as follows:

(A) **INCOME SUBMITTED TO THE PLAN.** Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.

(1) Future Earnings or Income. Debtors shall make the following monthly Plan payments:

<u>Months</u>	<u>Amount</u>
1 - 3	\$300.00
4-60	\$340.00

The payments are due on or before the 1st day of each month commencing June, 2012. Debtors are advised that when payments are remitted late, additional interest may accrue on secured debts, which may result in a funding shortfall at the end of the Plan term. Any funding shortfall must be cured before the plan is deemed completed.

1 The Debtors shall provide, directly to the Trustee copies of their **federal and**
2 **state** income tax returns for post-petition years within 30 days of filing them.
3 The purpose is to assist the Trustee in determining any change in debtor's annual
disposable income.

4 (2) Other Property. The Debtors shall provide, directly to the Trustee, their net
5 federal and state income tax refunds for the years 2012, 2013, 2014, 2015 and
6 2016, as supplements to the plan. In the event that other property is submitted,
7 it shall be treated as supplemental payments. In no event will the term of the
Plan be reduced to less than 60 months, exclusive of any property recovered by
the Trustee, unless all allowed claims are paid in full.

8 (B) **DURATION**. This Plan shall continue for **60 months** from the first regular monthly
9 payment described in Paragraph (A)(1) above. If at any time before the end of
10 the Plan period all claims are paid, then the Plan shall terminate.

11 (C) **CLASSIFICATION AND TREATMENT OF CLAIMS**. Claims shall be classified and
12 paid as listed below. The Plan and this Order shall not constitute an informal
13 proof of claim for any creditor. The Trustee shall receive the percentage fee on
14 the Plan payments pursuant to 28 U.S.C. § 586(e), then the Trustee will pay
creditors in the following order:

15 (1) Administrative expenses:

16 Attorney Fees. Travis S. Williams, attorney with Williams & Cluff, PLC,
17 shall be allowed total compensation of \$4,500.00. Counsel received
18 \$2,500.00 prior to filing this case and will be paid \$2,000.00 by the
Chapter 13 Trustee.

19 (2) Claims Secured by Real Property:

20 (a) US Bank National Association, c/o Ocwen Loan Servicing, LLC, secured
21 by a first deed of trust on the Debtors' residence, shall be paid the
22 prepetition arrearage of \$811.60. Regular post-petition payments
23 will be made directly by the Debtors to the secured creditor.

24 (b) The loan from Wells Fargo Home Mortgage which was secured by a
25 second deed of trust on the Debtors' residence is unsecured and the
26 lien has been stripped by order of this Court. The balance of the loan
27 from Wells Fargo Home Mortgage shall be classified as an unsecured
28 nonpriority claim.

(3) Claims Secured by Personal Property:

1 (a) SST, secured by a lien in a 2005 GMC Sierra, shall be paid \$7,974.38
2 with 5% interest. The creditor will receive adequate protection
3 payments of \$80.00 per month. The balance of the claim shall be
classified as an unsecured nonpriority claim.

4 (4) Unsecured Priority Claims:

5 (a) The Department of the Treasury/Internal Revenue Service has an
6 unsecured priority claim for income taxes for 2009. This creditor will
7 be paid \$965.51, the total claim of through the plan with no interest.

8 (5) Surrendered Property. Upon confirmation of this plan or except as otherwise
9 ordered by the Court, bankruptcy stays are lifted as to collateral to be
10 surrendered. Such creditor shall receive no distribution until the creditor timely
11 files a claim or an amended proof of claim that reflects any deficiency balance
12 remaining on the claim. Assuming the creditor has an allowed proof of claim,
13 should the creditor fail to file an amended claim consistent with this provision,
14 the Trustee need not make any distributions to that creditor. Debtors surrender
15 the following property:

16 The Debtors will surrender a 2006 Yamaha Quad in which HSBC, has a security
17 interest.

18 (6) Other Provisions: Debtor/wife is not currently employed. Debtors shall file an
19 amended Schedule I and J, provide two current pay stubs for each employer,
20 bring monthly operating reports current, and increase Plan payments turning
21 over all disposable income should Debtor/wife become employed prior to
22 completion of the Plan. Debtor has a current payroll deduction for a retirement
23 or 401k plan loan repayment. If installment payments cease prior to completion
24 of the Chapter 13 Plan, Plan payments shall increase accordingly.

25 (7) Unsecured Nonpriority Claims. All other claims shall be classified as
26 unsecured and nonpriority. Such claims shall be paid pro rata the balance of the
27 payments under the Plan and any unsecured debt balance remaining unpaid at
28 the end of the Plan may be discharged as provided in 11 U.S.C. § 1328. The plan
will not be deemed completed until no less than \$660.00 is paid to unsecured
nonpriority creditors.

(D) **EFFECTIVE DATE AND VESTING.** The effective date of the Plan shall be the date
of this Order. Property of the estate vests in Debtors upon confirmation.

ORDER SIGNED ABOVE

Approved as to Form and Content By:

Edward J. Maney, Trustee

Attorney for US Bank National Association
c/o Ocwen Loan Servicing, LLC

Travis S. Williams, Esq.
Attorney for Debtors

The Debtors certify: All required State and Federal income tax returns have been filed. No domestic support obligation is owed or, if owed, such payments are current since the filing of the Petition.

Chris Lumley, Debtor

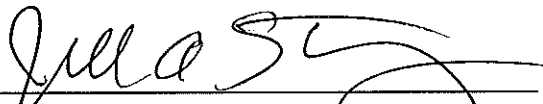
Olivia Lumley, Debtor

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In re CHRIS AND OLIVIA LUMLEY
Case No. 12-09481-PHX-SSC

1 Approved as to Form and Content By:

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3 _____
4 Jill Sturgeon
5 Attorney for Capital One, N.A.
6 Successor of HSBC Bank Nevada, N.A.
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